

09/339,125



UNITED STATES DEPARTMENT OF COMMERCE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/339,325 06/23/99 SHOHAM

Y 003660.P001X

TM02/1107
BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES CA 90025

EXAMINER

YOUNG, J
ART UNIT PAPER NUMBER

2162
DATE MAILED: 11/07/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

BEST AVAILABLE COPY

Advisory Action

Application No.
09/339,325

Applicant(s)
Shoham et al.

Examiner
John Young

Art Unit
2162



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED Sep 28, 2001 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

THE PERIOD FOR REPLY [check only a) or b)]

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
- b) ☒ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search. (See NOTE below);
- (b) ☐ they raise the issue of new matter. (See NOTE below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: See the Advisory Action Supplement

4. ☐ Applicant's reply has overcome the following rejection(s): _____
5. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claim(s).
6. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):
Claim(s) allowed: _____
Claim(s) objected to: _____
Claim(s) rejected: 1-7, 9-13, and 15-23
9. ☐ The proposed drawing correction filed on _____ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☒ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). 9
11. ☒ Other: PETITION DECISION - 37 CFR 1.97(d)

ERIC W. STAMBER
PRIMARY EXAMINER

Art Unit: 2162

ADVISORY ACTION SUPPLEMENT

1. **RESPONSE, (Amendment B) (paper #8) received but NOT ENTERED.**
2. **FINAL REJECTION maintained.**

CLAIM REJECTIONS — 35 U.S.C. §112 ¶2

3. **Rejections Maintained.**

CLAIM REJECTIONS — 35 U.S.C. §103(a)

4. **Rejections Maintained.**

RESPONSE TO ARGUMENTS

5. Response filed 9/28/2001 (paper #8) in reply to the final rejection has been considered but is not deemed to place the application in condition for allowance and will not be entered because:

There is no convincing showing under 37 CFR 1.116 (a) why the response was not earlier presented; also, the response raises issues that would require further consideration, analysis and/or search.

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CONCLUSION

6. Any response to this action should be mailed to:

BOX AF
Commissioner of Patents and Trademarks
Washington, D.C. 20231

Any response to this action may be sent via facsimile to either:

(703) 746-7239 or (703) 872-9314 (for formal communications EXPEDITED PROCEDURE) or

(703) 746-7239 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Sixth floor Receptionist
Crystal Park II
2121 Crystal Drive
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

2121 Crystal Drive
Arlington, Virginia.

Serial Number: 09/339,325

(Shoham et al.)

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

John L. Young

A handwritten signature in black ink, appearing to be 'JL Young', written over the printed name.

Patent Examiner

November 6, 2001



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

In re Application of : DECISION ON PETITION UNDER
Yoav Shoham et al. : 37 CFR 1.97(d) FOR
Serial No. 09/339,325 : CONSIDERATION OF
Filed: June 23, 1999 : INFORMATION DISCLOSURE
For: METHOD AND APPARATUS FOR A : STATEMENT AFTER FINAL
UNIVERSAL TRADING MARKET : REJECTION
DESIGN AND DEPLOYMENT :
SYSTEM :

The petition under 37 CFR 1.97(d), filed 10/12/01 for consideration of an information disclosure statement after Final has been:

☒ GRANTED. The information disclosure statement will be considered by the examiner.

☐ DENIED.

The petition lacks:

☐ The required fee under 37 CFR 1.97(d)(2)(iii) and 1.17(i)(1).

☐ A proper certification as specified in 37 CFR 1.97(d)(2)(i) and 1.97(e).

The information disclosure statement been placed of record in the file but will not be considered by the examiner.

Eric Stamber
Acting SPE, Art Unit 2162

Blakeley, Sokoloff, Taylor & Zafman
12400 Wilshire Boulevard
7th Floor
Los Angeles, CA 90025